

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**IN RE: BLUE CROSS BLUE SHIELD
ANTITRUST LITIGATION
MDL 2406**

: : **Master File No. 2:13-cv-20000-RDP**
: :
: :
: :
: : **This document relates to**
: : **Subscriber Track cases**

**DECLARATION OF JENNIFER M. KEOUGH REGARDING
NOTICE PLAN AND SETTLEMENT ADMINISTRATION UPDATE**

I, JENNIFER M. KEOUGH, declare as follows:

1. I am Chief Executive Officer (“CEO”) and President of JND Legal Administration LLC (“JND”). JND has extensive experience with all aspects of legal administration and has administered settlements in hundreds of class action cases.
2. JND was appointed as the Notice and Claims Administrator¹ in the above captioned litigation for the purposes of administering the Settlement Agreement, dated October 30, 2020 (ECF No. 2610-2), which was approved preliminarily by the Court in its Memorandum Opinion and Order Preliminarily Approving Settlement, Plan of Distribution, and Notice Plan, and Directing Notice to the Class, dated November 30, 2020. ECF No. 2641.
3. I previously filed several declarations in connection with this matter, including a Declaration Regarding Proposed Notice Plan, dated October 30, 2020; a Declaration Regarding Notice Plan and Settlement Administration, dated September 3, 2021; a Declaration Regarding Supplemental Notice to Self-Funded Accounts, dated January 10, 2022; a Declaration Regarding

¹ Unless otherwise noted, capitalized terms have the same meaning as in the Settlement Agreement.

Supplemental Notice Plan and Settlement Administration, dated May 10, 2022; and a Declaration Regarding Exclusion Requests, dated June 22, 2022. ECF Nos. 2611-2, 2812-2, 2885-1, 2914-1, and 2928, respectively. This Declaration is being filed to apprise the Court of the current status of Notice and Settlement Administration. It is based on my personal knowledge, as well as upon information provided to me by experienced JND employees, and if called upon to do so, I could and would testify competently thereto.

4. As of January 26, 2023, JND has received 8,247,672 timely claims. Of those claims, 8,125,026 have been submitted online and 122,646 have been submitted in paper. JND has also received 5,945 late claims.

5. When claimants submitted online claims forms, they were required to select whether they were submitting as businesses, individual subscribers, or employees. For the timely online claim forms, there were 266,292 claims submitted by businesses. There were 5,557,069 timely online claim forms submitted by employees, and another 432,729 online claimants indicated that they were submitted as both individual subscribers and as employees, *i.e.* that those claimants had both types of claims during the Settlement Class Period. Thus, in total, 5,989,798 out of 8,125,026 timely online claims were submitted by individuals who purportedly were employees during the Settlement Class Period.

6. In light of the ongoing appeal, JND has not yet processed the 122,646 timely paper claims, so I am unable to estimate what proportion were filed by businesses as opposed to individual subscribers and/or employees for those claims. Based on my experience, I would anticipate a roughly similar proportion.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 8, 2023, in Seattle, Washington.



JENNIFER M. KEOUGH